

MAR 08 2019

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# SENATE CONCURRENT RESOLUTION

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REQUESTING THE OFFICE OF INFORMATION PRACTICES TO EXPLORE A  
TRIAL PRELIMINARY INCLINATION PROCESS FOR INCOMING PUBLIC  
APPEALS.

1 WHEREAS, the Office of Information Practices is able to  
2 informally resolve most public questions, complaints, and  
3 appeals under the Uniform Information Practices Act and Sunshine  
4 Law without the Office issuing a formal enforceable ruling; and  
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6 WHEREAS, some public appeals to the Office of Information  
7 Practices under the Uniform Information Practices Act and  
8 Sunshine Law cannot be resolved without the Office issuing a  
9 formal enforceable ruling; and  
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11 WHEREAS, when public appeals cannot be resolved without  
12 formal enforceable rulings by the Office of Information  
13 Practices, the Office normally prepares enforceable rulings on a  
14 first-come first-served basis; and  
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16 WHEREAS, the preparation of formal enforceable rulings by  
17 the Office of Information Practices is time-consuming and  
18 expensive; and  
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20 WHEREAS, unless additional resources are provided to the  
21 Office of Information Practices or the Office experiments and  
22 finds an effective way to modify its procedures, the Office of  
23 Information Practices will be unable to quickly resolve those  
24 incoming public appeals that require a formal enforceable ruling  
25 by the Office of Information Practices; and  
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27 WHEREAS, experimenting with trial processes, new  
28 procedures, or revised practices can be a source of useful  
29 information, which can provide guidance for later changes or  
30 action; now, therefore,  
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1 BE IT RESOLVED by the Senate of the Thirtieth Legislature  
2 of the State of Hawaii, Regular Session of 2019, the House of  
3 Representatives concurring, that the Office of Information  
4 Practices is requested to explore a trial preliminary  
5 inclination process for incoming public appeals under the  
6 Uniform Information Practices Act and Sunshine Law; and  
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8 BE IT FURTHER RESOLVED that for each appeal submitted  
9 between July 1, 2019, and December 1, 2019, the Office of  
10 Information Practices is requested to evaluate the relative  
11 merits of the appeal within four weeks of receiving the appeal;  
12 and  
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14 BE IT FURTHER RESOLVED that for not less than ten appeals  
15 submitted during that period, the Office of Information  
16 Practices is requested to prepare a short preliminary  
17 inclination regarding the appeal, within six weeks of receiving  
18 the appeal; and  
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20 BE IT FURTHER RESOLVED that when a preliminary inclination  
21 is provided to the parties, the Office of Information Practices  
22 is requested to provide the person who submitted the appeal with  
23 a copy of the agency's response to the appeal, not including any  
24 documents submitted for in camera review, if the person does not  
25 already have a copy; and  
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27 BE IT FURTHER RESOLVED that for each preliminary  
28 inclination prepared by the Office of Information Practices, the  
29 Office is also requested to provide an enforceable and  
30 appealable final decision at a future time, to be determined by  
31 the Office's usual policies, if the preliminary inclination does  
32 not resolve the appeal; and  
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34 BE IT FURTHER RESOLVED that the Office of Information  
35 Practices is requested to publish the preliminary inclinations  
36 on the Internet for public access; and  
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38 BE IT FURTHER RESOLVED that the Office of Information  
39 Practices is requested to submit a report of its findings and  
40 recommendations, including specific recommendations concerning  
41 future trial processes, practices, or procedures that could  
42 improve the time to resolve appeals with the existing budget and



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1 staffing to the Legislature no later than twenty days prior to  
2 the convening of the Regular Session of 2020; and

3  
4 BE IT FURTHER RESOLVED that if the Office of Information  
5 Practices finds the trial preliminary inclination process or  
6 some aspect of the trial process has the potential to improve  
7 the time it takes for the Office to resolve appeals, the Office  
8 of Information Practices is requested to expand the trial  
9 process to other appeals and continue to study the effects of  
10 the process on the time frame for appeals resolution and its  
11 impacts on staff workload; and

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13 BE IT FURTHER RESOLVED that certified copies of this  
14 Concurrent Resolution be transmitted to the Director of the  
15 Office of Information Practices, President of the Senate, and  
16 Speaker of the House of Representatives.

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19 OFFERED BY: 



